



PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q80139

Tetsuji KONDO, et al.

Appln. No.: 10/808,292

Group Art Unit: 3747

Confirmation No.: 5510

Examiner: Mahmoud Gimie

Filed: March 25, 2004

For: FUEL INJECTION DEVICE

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. A check for the statutory fee of \$500.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

Diallo T. Crenshaw

Registration No. 52,778

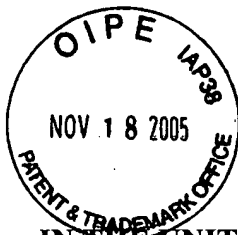
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23373

CUSTOMER NUMBER

Date: November 18, 2005



AP
JFW

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellants submit the following:

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I. REAL PARTY IN INTEREST

Based on the information supplied by the Appellants, and to the best of Appellants' legal representative's knowledge, the real party in the interest is the assignee, MITSUBISHI DENKI KABUSHIKI KAISHA. The Assignment was recorded on March 25, 2004 at Reel 015143, Frame 0203.

II. RELATED APPEALS AND INTERFERENCES

Appellants, as well as Appellants' assigns and legal representatives, are unaware of any appeals or interferences which will be directly affected by, or which directly affect or have a bearing on, the Board's decision in the pending case.

III. STATUS OF CLAIMS

Claims 3, 4, 7, 10 and 11 are all the claims pending in the application, and have been finally rejected. All of the pending claims are set forth in the Claims Appendix.

Claims 3 and 11 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Franchitto (U.S. Patent No. 5, 724,946).

Claims 4, 7, and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Franchitto.

IV. STATUS OF AMENDMENTS

The Amendment filed on July 19, 2005, was entered (per Advisory Action dated August 12, 2005).

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention provides, in an exemplary embodiment, a fuel injection device (Fig. 14) including a fuel distribution pipe (Fig. 14; 1) and a fuel injection valve (Fig. 14; 2) mounted on the fuel distribution pipe. A band-shaped protrusion (Fig. 14; 7) can extend in the radial direction (page 10, lines 8-14) from a flange portion of a connecting pipe member (Fig. 14; 4) arranged on the fuel distribution pipe (Fig. 14; 1) and can further extend in parallel to the axis of the fuel injection valve (Fig. 14). The band-shaped protrusion can be provided with a fitting hole (Fig. 15; 8: page 10, line 23), and the fuel injection valve can be provided with a snap spring (Fig. 14; 7) that is fitted into the fitting hole and extends in the axial direction of the fuel injection valve. *See claim 3, for example.*

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 3 and 11 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Franchitto (U.S. Patent No. 5, 724,946).

2. Claims 4, 7, and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Franchitto.

VII. ARGUMENT

- A. Claims 3 and 11 are not anticipated under 35 U.S.C. § 102(b) by Franchitto. Franchitto does not disclose or suggest at least, “said fuel injection valve is provided with a snap spring that is fitted into said fitting hole and extends in the axial direction of said fuel injection valve.”*

With respect to independent claim 3, Appellants submit that Franchitto does not teach or suggest at least, “said fuel injection valve is provided with a snap spring that is fitted into said fitting hole and extends in the axial direction of said fuel injection valve.” That is, the Examiner alleges that the locking pin 232 of Franchitto corresponds to the claimed snap spring (*see previous Office Actions and numbered paragraph thirteen (13) in Advisory Action dated August 12, 2005*) and further states, “it is anticipated that the diagonally oriented locking groove (318) cause the locking pin 232 to snap, thereby acting as a snap spring... .” *See last sentence on page 2 of Office Action dated April 19, 2005.* Appellants submit, however, that the locking pin 232 simply slides into the locking groove 318, however, the locking pin is NOT a spring and does not perform any springing action. Therefore, at least based on the foregoing, Appellants submit that independent claim 3 is patentably distinguishable over Franchitto.

With respect to dependent claim 11, Appellants submit that this claim is patentable at least by virtue of its dependency from independent claim 3. Further, the Examiner never even identifies the components/aspects of Franchitto that allegedly correspond to the features of claim 11; the Examiner simply recited the limitations set forth in claim 11. That is, the Examiner does not show and Franchitto does not disclose a component that corresponds to the claimed snap spring which is movable in a radial direction when mounting the fuel injection valve on said fuel

distribution pipe. Therefore, at least based on the foregoing, Appellants submit that dependent claim 11 is patentably distinguishable over Franchitto.

B. Claims 4, 7, and 10 would not have been obvious, within the meaning of § 103(a), over Franchitto.

Appellants submit that dependent claims 4, 7, and 10 are patentable at least by virtue of their dependency from independent claim 3.


C. Conclusion

Appellant submit that, at least based on the foregoing, the present invention, as recited in each of claims 3, 4, 7, 10, and 11, is patentably distinguishable over the applied references, either alone or in combination.

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CLAIMS APPENDIX

CLAIMS 3, 4, 7, 10, and 11

3. A fuel injection device comprising a fuel distribution pipe and a fuel injection valve mounted on said fuel distribution pipe,

wherein a band-shaped protrusion extends in the radial direction from a flange portion of a connecting pipe member arranged on said fuel distribution pipe and further extends in parallel to the axis of said fuel injection valve, said band-shaped protrusion is provided with a fitting hole, and said fuel injection valve is provided with a snap spring that is fitted into said fitting hole and extends in the axial direction of said fuel injection valve.

4. The fuel injection device according to claim 3, wherein said snap spring is provided with an engaging protrusion at an end thereof.

7. The fuel injection device according to claim 3, wherein said band-shaped protrusion is provided with a narrow portion.

10. The fuel injection device according to claim 3, wherein said band-shaped protrusion is provided with a thin-walled portion.

11. The fuel injection device according to claim 3, wherein said snap spring is moveable in a radial direction when mounting the fuel injection valve on said fuel distribution pipe.

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EVIDENCE APPENDIX:

NONE.

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RELATED PROCEEDINGS APPENDIX

NONE.